

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

SUMMIT RESOURCES, LLC,

Plaintiff,

v.

STATE FARM FIRE AND CASUALTY
INSURANCE COMPANY,

Defendant.

Case No. 3:20-cv-00497-MMD-CLB

ORDER

Defendant State Farm Fire and Casualty Company ("State Farm") removed this case from Nevada state court on September 1, 2020, based on diversity jurisdiction. (ECF No. 1.) Federal district courts have original jurisdiction over civil actions where the matter is between citizens of different states, and where the amount in controversy exceeds \$75,000. See 28 U.S.C. § 1332(a). Although corporations are citizens of any state in which they are incorporated or have their principal place of business, "an LLC is a citizen of every state of which its owners/members are citizens." *Johnson v. Columbia Props. Anchorage, LP*, 437 F.3d 894, 899 (9th Cir. 2006).

State Farm asserts that complete diversity exists because "Plaintiff is now, and was at the time the State Court action was filed, is incorporated and has its principal place of business in Nevada." (ECF No. 1 at 3.) But as "the party asserting diversity jurisdiction[, State Farm] bears the burden of proof." *Kanter v. Warner-Lambert Co.*, 265 F.3d 853, 857-58 (9th Cir. 2001). State Farm has not met its burden. Instead, State Farm has yet to identify any members of Plaintiff (an LLC) or clarify whether those members are citizens of different states than Defendants. Neither State Farm's petition for removal (ECF No. 1) nor its attached exhibits (ECF Nos. 1-2, 1-3) satisfies the diversity of citizenship requirement under 28 U.S.C. § 1332(a).

1 It is therefore ordered that State Farm must show cause as to why the Court should
2 not remand this case. State Farm must file a response within 10 days of the date of entry
3 of this order. It is further ordered that Plaintiff Summit Resources, LLC may file a further
4 response to State Farm's response, within five days after State Farm files its response to
5 this order.

6 DATED THIS 14th Day of September 2020.

7
8 
9 _____
MIRANDA M. DU
CHIEF UNITED STATES DISTRICT JUDGE